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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/694,626	10/23/2000	Dennis L. Venable	D/99807	9088

7590 08/13/2004

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EXAMINER	
SAIN, GAUTAM	

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/694,626	VENABLE, DENNIS L.	
	Examiner	Art Unit	
	Gautam Sain	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 April 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1-1) Claims 1, 2, 4, 5, 6, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiimori (US 6,567,983 B1, issued May 20, 2003), in view of Suzuki (US 572479, issued Mar 1998).

In regard to independent claim 1,Shiimori teaches "naming each file of a set of files, each file representing either a page image or an image component of a page image, according to a naming convention" (ie., list of images based on the filename in an electronic photoalbum)(col 14, lines 8-12; Fig 11a).

Shiimori teaches "organizing said files into a hierarchical arrangement" (ie.,a figure showing a hierarchical structure of image files for an album information management folder containing electronic album files...)(figure 16; col 12, lines 30-67).

Shiimori teaches "applying a writer application which recognizes the files by the naming convention to write a single file, multi-page document" (ie., an electronic album file which contains a plurality of images from image files, selects the images and the image display order)(col 2, lines 54 – col 3, line 15).

Shiimori does not expressly teach, but Suzuki teaches "the naming step ... generate a multi-page document" (ie., a directory structure in which the main and

subordinate image data are recorded in separate files while relating together the individual files through the directory. It is possible to obtain the case of using file names ... sole main image is recorded)(col 11, lines 65 – col 12, line 22; fig 9 show the directory structure with main image data group and subordinate files with a consistent naming structure; fig 8 shows the main and subordinate file names with showing "T" is the thumbnail for the image as a subordinate and the "I" is the image in the Main Image Data File).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Shiimori to include a directory structure in which the main and subordinate image data are recorded in separate files while relating together with the directory as image file and thumbnail relationship, as taught by Suzuki, providing the benefit of subordinate image processing apparatus (Suzuki, Abstract).

In regard to dependent claim 2, Shiimori teaches "providing a file within the set of files with a simple file name, the simple file name causing the writer application to generate a single page file" (ie., creating an album file relating to the electronic album which can be a single page where the user can name the file according to a naming convention which is simple for the application/user subjectively)(col 6, lines 45-63; figure 3).

In regard to dependent claim 4, Shiimori teaches "directory is named according to a naming convention which identifies each file within the directory as relating to a page" (ie., directory structure where thumbnails and cooresponding frames are stored in

separate folders and the image manager correlates the thumbnails with the image files)(fig 16; col 12, lines 30-67; col 2, lines 54-63).

In regard to dependent claim 5, Shiimori teaches "naming the file within the set of files as a directory of page directories, the directories causing the writer application to generate a multi-page document with each page directory corresponding to a page"(ie., an electronic information manager folder including an album file and an image fram file management fodler)(fig 16; col 12, lines 30-67; col 2, lines 54-63).

In regard to dependent claim 6, Shiimori teaches "each page directory includes a plurality of files, each files, each file corresponding to a page image component for a single page image" (ie., an electronic album file with one or more image files for display)(col 2, lines 54-63, lines 14-24).

In regard to dependent claim 8, Shiimori teaches "a directive file, the directive file being readable by the writer application and instructing the writer application to process another file in the set of files in a predetermined manner" (ie., image server processes frame image data files to display and coorelates in the electronic album file in a determined order)(col 2, lines 5-34, lines 58-63).

1-2) Claims 7,9,10,11,12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiimori (as cited above), in view of Suzuki (as cited above), further in view of DeAguiar et al (US Patent No. 5,263,136, issued Nov. 16, 1993).

In regard to dependent claim 7, Shiimori in view of Suzuki as applied to claims 1, 5 and 6 does not teach, but DeAguiar does teaches "page image components are MRC profile layers in TIFF_FX" (ie., tiled raster image file; load tile to raster image

function into memory) (see DeAguiar, col 15, line 55-60; col 24, line 47- col 25, line 65; col 4, lines 7-16).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Shiimori in view of Suzuki to include raster images in TIFF as taught by DeAguiar, providing the benefit of enhancing the main memory storage for relevant sections of digital images, linking raster images with an editor and managing image memory (see DeAguiar, Title, Abstract, col 1 – col 4).

In regard to dependent claim 9, Shiimori in view of Suzuki as applied to claims 1 and 8 does not teach, but DeAguiar does teach "the predetermined manner relates to selecting a compression technique" (ie., system for memory managing/editing compressed and uncompressed images)(DeAguiar, col 4, lines 20-50; col 2, lines 15-30; Abstract; Summary).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Shiimori in view of Suzuki to include a memory management system that processes compression raster images as taught by DeAguiar, providing the benefit of enhancing the main memory storage for relevant sections of digital images, processing compressed and uncompressed files of raster images with an editor and managing image memory space (see DeAguiar, Title, Abstract, col 1 – col 4).

In regard to dependent claim 10, Shiimori in view of Suzuki as applied to claims 1 and 8 does not teach, but DeAguiar does teach " ... selecting a quality level for a compression technique" (ie., system for memory managing/editing compressed and

uncompressed images)(DeAguiar, col 4, lines 20-50; col 2, lines 15-30; Abstract; Summary).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Shiimori in view of Suzuki to include a memory management system that processes compression raster images as taught by DeAguiar, providing the benefit of enhancing the main memory storage for relevant sections of digital images, processing compressed and uncompressed files of raster images with an editor and managing image memory space (see DeAguiar, Title, Abstract, col 1 – col 4).

In regard to dependent claim 11, Shiimori in view of Suzuki teaches thumbnail files images in one file of a frame image in a second file (Shiimori, col 2, lines 32-40). Shiimori, as applied to claim 1, does not teach, but DeAguiar does teach "set of files is compressed according to a first compression scheme..."(ie., system for memory managing/editing compressed and uncompressed images)(DeAguiar, col 4, lines 20-50; col 2, lines 15-30, Abstract; Summary).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Shiimori in view of Suzuki to include a memory management system that processes compressed/uncompressed raster images as taught by DeAguiar, providing the benefit of enhancing the main memory storage for relevant sections of digital images, processing compressed and uncompressed files of raster images with an editor and managing image memory space (see DeAguiar, Title, Abstract, col 1 – col 4).

In regard to dependent claim 12, Shiimori in view of Suzuki teaches thumbnail size image files of larger frame image files (Shiimori, col 12, lines 32-40). Shiimori, as applied to claim 1 does not teach, however, DeAguiar does teach "...monochrome image...relates to a color image"(ie., color and gray images)(DeAguiar, col 2, lines 30-35).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Shiimori in view of Suzuki to include a memory management system that processes color and monochrome, compressed/uncompressed raster images as taught by DeAguiar, providing the benefit of enhancing the main memory storage for relevant sections of digital images, processing compressed and uncompressed files of raster images with an editor and managing image memory space (see DeAguiar, Title, Abstract, col 1 – col 4).

Response to Arguments

Applicant's arguments filed on 4/23/04 have been fully considered but they are not persuasive in light of the amended rejection.

Applicant argues that Shiimori is not relevant to the creation of a multi-page document. The examiner disagrees, Shimmori itself teaches this limitation Shimmori teaches 'page turn-over setting window' in Fig 9 and Fig 12, item 25 and col 10, lines 15-25, which talks about order of frame images displayed in the page turn-over order. Furthermore, Shiimori talks about 'first pages (cover pages)". This language inherently suggests that the thumbnail image contains more than one page (col 13, lines 17-21).

The new grounds of rejection includes the addition of the Suzuki patent, which is relied upon for teaching the newly added limitation, "the naming step ... multi-page document." Applicant's argument focuses on the prior art's failure to teach this particular limitation. Examiner agrees that Shiimori does not teach these limitations, however, Suzuki teaches a directory structure in which the main and subordinate image data are recorded in separate files while relating together the individual files through the directory. It is possible to obtain the case of using file names ... sole main image is recorded)(col 11, lines 65 – col 12, line 22; fig 9 show the directory structure with main image data group and subordinate files with a consistent naming structure; fig 8 shows the main and subordinate file names with showing "T" is the thumbnail for the image as a subordinate and the "I" is the image in the Main Image Data File.

The examiner amends the original rejection as necessitated by the amendment to the claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam Sain whose telephone number is 703-305-8777. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (703)305-9792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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